

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 10, 2011

Lyle W. Cayce
Clerk

No. 10-40442
Summary Calendar

D.C. Docket No. 3:07-CV-221

WAYNE PEARSON, ET AL,

Plaintiffs

v.

BP PRODUCTS NORTH AMERICA, INC.,

Defendant - Appellant Cross Appellee

v.

GILBERT CANTU; GREGORIO FUENTES; WILLIE MAYS, JR.,

Intervenor Plaintiffs - Appellees Cross Appellants

Appeals from the United States District Court for the
Southern District of Texas, Galveston

Before REAVLEY, SMITH and PRADO, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the jury's verdict is vacated and the District Court's denial of Appellant's motion for judgment as a matter of law is reversed in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party to bear its own costs on appeal.

A True Copy
Attest

ISSUED AS MANDATE:

DEC 02 2011

Clerk, U.S. Court of Appeals, Fifth Circuit

By:

Jim DeMontigny
Deputy

New Orleans, Louisiana

DEC 02 2011

United States Courts
Southern District of Texas
FILED

DEC 07 2011

Clerk of Court